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November 21, 2006

Via Email and First Class Mail

Matthew C. Ireland, Esq.
Assistant Attorney General
Environmental Protection Division
Attorney General's Office
100 Cambridge Street, 10th Floor
Boston, MA 02108

**Re: Commonwealth of Massachusetts v. New Ventures Associates, LLC;
Suffolk Superior Court, Civil Action No. 06-0790-C**

Dear Attorney Ireland:

This letter is in response to your letter dated November 16, 2006 with respect to the continued closure of the Crow Lane Landfill in Newburyport, Massachusetts. I would like to respond to the Attorney General's points as follows:

1. Extent of C&D Material Placement.

New Ventures is aware of the extent of C&D placement at the Landfill. In accordance with the tarp plan described below, New Ventures will take Jerome meter readings for those areas that will not be subject to the temporary tarp requirements of paragraph 1(j) and 2 of the Preliminary Injunction (the "Order") and submit a letter report as requested following the completion of Phase I.

2. Preparation for Thanksgiving Weekend.

We are aware that Mayor John Moak and the residents are concerned about potential odors for the Thanksgiving weekend. New Ventures has received few odor complaints in the past week. New Ventures commenced the staging and anchor trenches for the Geocomposite blanket and FML installation yesterday and installation is scheduled to begin today.

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As noted in previous correspondence, the considerable rain during the week of November 13 – 17 reduced the work that could be completed. As the Department and the Attorney General are aware, trucks and construction equipment were unable to negotiate the slopes during the rain as well as the days that follow due to the slippery conditions. As a result, the gas trenching system for Phase I was not completed last week and the gas trenching could not be extended to the new wells at Phase II. New Ventures has filed its written notices regarding the impact of the weather on a daily basis. Further, the FML installer was delayed in its work at other sites and unable to commence its work at the Landfill yesterday. It is our understanding that weather permitting the Geocomposite and FML will be installed today, tomorrow, Friday and Saturday.

As noted in my voicemail message to you this weekend, I was at the Landfill on Saturday, November 18, 2006 while grading and shaping activities took place, two (2) breakout areas were identified and soils placed on them for repair, tarps were repaired and the gas collection trench system was extended in Phase I. We believe that the tarps meet paragraph 1(j). Once Phase I is completed, the tarps from Phase II will be shifted to areas that will not be in use in order that work in Phase II can proceed.

Please contact us if the City requests that New Ventures temporarily run the sulfa treatment during daylight hours for the Thanksgiving holiday weekend (Thursday, November 23, 2006 through Sunday, November 26, 2006). In order to make this decision, we would have to take the pretreatment off-line on Wednesday night so we need advance notice.

3. Contingency Planning for Open Flare Operation.

Under separate cover, New Ventures has explained the situation with the open flare on the weekend of November 6 and 7, 2006. In my previous letter, I have also explained that the flare has been serviced by Highland Power and returned to operation. In addition, Highland Power has agreed to make themselves available on weekends in the event that their services are necessary. I have attached the protocol for the open flare as Exhibit A as requested in the Attorney General's letter.

4. New Ventures' Staffing.

To our knowledge the required inspections, monitoring and monitoring reports required by the Preliminary Injunction protocol have been accomplished. The Department's consultant is not on-site for a full day typically and therefore has not observed Richard Robinson arriving early (day shift), leaving late and overlapping with Sandy (night shift). SITEC has been reviewing the reports weekly and has been working with staff to continually improve the data.

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5. Complaint Line and Reporting.

New Ventures responded to the Attorney General's compliance letter and believes that it is operating said complaint line in compliance with the Order. The November 16, 2006 letter does not cite any specific deficiencies with the complaint line. Staff has been informed to provide residents with readings of H²S taken on their property.

6. Phase I Blanket and FML Installations.

New Ventures is aware of the requirements regarding the installation of the Geocomposite blanket and final installation of the FML cap. New Ventures has stated throughout this process that this material cannot be installed in wet weather conditions and for several days after severe wet weather conditions. The slopes are very difficult and sometimes impossible to negotiate when it is wet. No further response to this section is required.

New Ventures continues to dedicate its efforts to capping Phases I and II before Christmas. There has been a drop in odor complaints which New Ventures considers an indication that odor producing materials have been covered.

Please contact me if you have any questions.

Thank you.

Sincerely,

Richard A. Nylan, Jr.

RAN/kad
Enclosure

cc: Mr. John Carrigan
Mr. William Thibeault
Mr. Steven J. Trettel
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